



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

Trademark/Service Mark Registration

I. General

Registration of trademarks/service marks is designed to prevent customer confusion and unfair competition by providing public notice of the use of a particular mark. A mark cannot be reserved and may not be registered until it has been used in commerce.

Legal rights for a mark can only be obtained through actual use of the mark and are subject to the common law rights of others. Registration with the Secretary of State does not affect these common law rights. Only an attorney can advise a business about the nature and extent of its rights to the use of the mark.

II. Types of Marks

A mark is something that identifies a good or service. It can consist of a design alone, words and a design together, words or letters in a certain style, or words or letters alone. A mark must be able to distinguish the goods or services of others. However, even if it does, it may not be registered if it falls within one of the statutory prohibitions.

Trademarks are used by merchants and manufacturers to identify goods as their own. They also are referred to as brand names.

Service marks identify services and the source of those services. Retail stores, restaurant services and printing services are included as types of services. A service mark's top function is to designate the source of the services provided, but it may at the same time function as a identification of the business which provides the service.

Unregistered marks may use the symbol TM or SM to provide notice of use. Marks registered in this office may use the words *Registered* or *Reg.* Only federally registered marks may use the ® symbol. Federal registration is obtained through the U.S. Patent and Trademark Office, Attention: Trademark Division, Washington, D.C. 20231, 1-800-PTO-9199 or (703) 308-HELP. You can obtain more information about the U.S. Patent and Trade-Mark Office by visiting their Web site, www.uspto.gov.

III. Assumed Names

An assumed name is one used by an enterprise in its daily business transactions and is sometimes called a fictitious or trade name, or "doing business as". Many states require a business to register its assumed or fictitious name. There is no method in Kansas to register d/b/a's, assumed, fictitious or trade names. A business may use an assumed name in Kansas, but there is no way to register it as such. However, many business names will qualify for registration as a service mark.

IV. Other Registration

A copyright is a registration for literary or artistic work. A copyright may be granted only by the federal government. Federal registration is obtained through the U.S. Copyright Office, Library of Congress, 101 Independence Avenue, S.E., Washington, D.C. 20559-6000, (202) 707-9100 or (202) 707-3000.

4 steps to filing a trademark or service mark application

1. Complete application: All items must be completed with the possible exception of item 9. See instructions below for assistance.

2. Submit three (3) samples showing the mark as actually used: Three samples of your mark must accompany this application. Some examples are: product labels for trademarks, business cards or letterhead for service marks. The sample must show exactly what you want to register—the mark with any words, design, special typeface, and any special characteristics of the mark.

3. Enclose \$40 fee: Checks should be made payable to the secretary of state. Registration is for a 5-year period.

4. Mail to: Office of the Secretary of State
First Floor, Memorial Hall
120 S.W. 10th Ave.
Topeka, KS 66612-1594
(785) 296-4565

Notice: There is a \$25 service fee for all returned checks.

Instructions

Type or print clearly. Fill in all blanks.

1. The applicant may be an individual, company, association, union or other organization. Give complete address, and mailing address (if different), and other information as requested.

2. Indicate the appropriate mark. Trademarks identify products or goods manufactured or produced by the applicant. Normally, the mark is attached to the product. Service marks identify the service provided by the applicant.

3. Identify the specific product(s) or service(s) that the mark identifies.

4. Describe the manner in which the mark is used, such as the items or articles on which the mark is applied.

5. Specify both number and class designation for the trademark or for the service marks. (**See attached regulation**).

6. Under Kansas law, the trademark or service mark must be “used” before it can be registered. The two dates given in this item will be the same if the trademark or service mark has been used only in Kansas.

7. If the mark has been filed with the U.S.

Patent and Trademark Office, provide the filing date, serial number and status of the federal registration.

8. In the space provided, describe in words the **exact** mark you wish to register. The written description should include all elements of your mark such as color, distinctive type styles, objects, words, pictures or geometric designs.

9. For **renewals only**. Give the date the registration will expire.

10. The truthfulness of the application must be verified by the applicant, subject to penalty of perjury.

IMPORTANT NOTICE

Registration of a trademark or service mark with the Secretary of State is strictly optional. Kansas statutes expressly provide that registration does not affect the common law rights of others. Any right you might have to use a mark has been acquired through your use of the mark. If someone has prior use of the mark, registration will not give any rights. Only your legal counsel can advise you about conflicting claims.

Contact Information

Kansas Secretary of State
Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564
kssos@sos.ks.gov
www.sos.ks.gov

**KANSAS SECRETARY OF STATE
Trademark or Service-mark****TM****58**

All information must be completed or this document will not be accepted for filing.

1. Applicant's name:

Street address

City State Zip

Do not write in this space

If applicant is a corporation, limited liability company, limited partnership, limited liability partnership, or other business entity, give state of organization:

If applicant is a partnership, give the state in which the partnership is organized and the names of the general partners:

2. Applicant is seeking to register:

Trademark _____ Service mark _____

3. Describe briefly the goods or services used in connection with the mark:

4. Describe briefly how the mark is used in connection with such goods or services:

5. Give the number and class in which such goods or services fall (see attached classification schedule):

6. The trademark or service-mark has been used by the applicant, or the applicant's predecessor in business, since

_____ and in the state of Kansas since _____.
Month Day Year Month Day Year

7. Has the applicant or predecessor in interest filed an application for the same mark or portions of the same mark with the U.S. Patent and Trademark Office? Yes _____ No _____

If yes, give filing date _____ and serial number _____.
Month Day Year

What is the status of the application? _____ accepted _____ pending _____ refused.

If refused give reason:

8. Give a **written** description of the mark and attach three samples showing the mark as actively used.

9. If renewal, give date of expiration: _____
Month Day Year

The applicant is the owner of the mark. The mark is in use, and, to the knowledge of the person verifying the application, no other person has registered, either federally or in this state, or has the right to use such mark either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive.

I, _____, state that I am the applicant, a member of the firm applying, or an officer of the
(Name of applicant)

corporation of association applying, and declare under penalty of perjury that the foregoing application is true and correct.

Executed on: _____
Month Day Year

Signature

Phone number

The schedule of classes of goods and services for registration of trademarks and service marks with the Kansas Secretary of State are:

(a) Goods. (for trademarks)

(1) Chemical products used in industry, science, photography, agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.

(2) Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; coloring matters, dyestuffs; mordants; natural resins; metals in foil and powder form for painters and decorators.

(3) Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

(4) Industrial oils and greases (other than oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night lights and wicks.

(5) Pharmaceutical, veterinary, and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax, disinfectants; preparations for killing weeds and destroying vermin.

(6) Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (nonelectric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in nonprecious metal not included in other classes; ores.

(7) Machines and machine tools; motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements; incubators.

(8) Hand tools and instruments; cutlery, forks, and

spoons; side arms.

(9) Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), lifesaving and teaching apparatus and instruments; coin or counterfreed apparatus; talking machines; cash registers; calculating machines; fire extinguishing apparatus.

(10) Surgical, medical, dental, and veterinary instruments and apparatus (including artificial limbs, eyes, and teeth).

(11) Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.

(12) Vehicles; apparatus for locomotion by land, air, or water.

(13) Firearms; ammunition and projectiles; explosive substances; fireworks.

(14) Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewelry, precious stones, horological and other chronometric instruments.

(15) Musical instruments (other than talking machines and wireless apparatus).

(16) Paper and paper articles, cardboard and cardboard articles; printed matter, newspaper and periodicals, books; bookbinding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and clichés (stereotype).

(17) Gutta-percha, india rubber, balata and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks and rods, being for use in manufacture; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (nonmetallic).

(18) Leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

(19) Building materials, natural and artificial

stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; roadmaking materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.

(20) Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics.

(21) Small domestic utensils and containers (not of precious metals, or coated therewith); combs and sponges; brushes (other than paint brushes); brushmaking materials; instruments and material for cleaning purposes, steel wool; unworked or semiworked glass (excluding glass used in building); glassware, porcelain and earthenware, not included in other classes.

(22) Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, kapok, feathers, seaweed, etc.); raw fibrous textile materials.

(23) Yarns, threads.

(24) Tissues (piece goods); bed and table covers; textile articles not included in other classes.

(25) Clothing, including boots, shoes and slippers.

(26) Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

(27) Carpets, rugs, mats and matting; linoleums and other materials for covering existing floors; wall hangings (nontextile).

(28) Games and playthings; gymnastic and

sporting articles (except clothing); ornaments and decorations for Christmas trees.

(29) Meats, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and other dairy products; edible oils and fats; preserves, pickles.

(30) Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard, pepper, vinegar, sauces, spices; ice.

(31) Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

(32) Beer, ale and porter; mineral and aerated waters and other nonalcoholic drinks; syrups and other preparations for making beverages.

(33) Wines, spirits and liqueurs.

(34) Tobacco, raw or manufactured; smokers' articles; matches.

(b) Services. (for service marks)

(35) Advertising and business.

(36) Insurance and financial.

(37) Construction and repair.

(38) Communication.

(39) Transportation and storage.

(40) Material treatment.

(41) Education and entertainment.

(42) Miscellaneous.